

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHARLES J. GALLIC, Derivatively on
Behalf of MEDAREX, INC.,

Plaintiff,

v.

MICHAEL A. APPELBAUM, RANDALL T.
CURNOW, YASHWANT M. DEO,
DONALD L. DRAKEMAN, LISA N.
DRAKEMAN, PATRICIA M. DANZON,
IRWIN LERNER, NILS LONBERG, W.
BRADFORD MIDDLEKAUFF, RONALD J.
SALDARINI, CHRISTIAN S. SCHADE,
CHARLES R. SCHALLER and JULIUS A.
VIDA,

Defendants.

and

MEDAREX, INC.,

Nominal Defendant.

(Additional Caption Follows)

Document Filed Electronically

Civil Action No. 06-cv-5523 (FLW) (TJB)

[PROPOSED] PRETRIAL ORDER NUMBER ONE

JACK FRIEMAN and MARILYN)	
FRIEMAN, Derivatively on Behalf of)	Civil Action No. 06-cv-5531 (FLW) (TJB)
MEDAREX, INC.,)	
)	
Plaintiff,)	
v.)	
)	
MICHAEL A. APPELBAUM, RANDALL T.)	
CURNOW, YASHWANT M. DEO,)	
DONALD L. DRAKEMAN, LISA N.)	
DRAKEMAN, PATRICIA M. DANZON,)	
IRWIN LERNER, NILS LONBERG, W.)	
BRADFORD MIDDLEKAUFF, RONALD J.)	
SALDARINI, CHRISTIAN S. SCHADE,)	
CHARLES R. SCHALLER and JULIUS A.)	
VIDA,)	
)	
Defendants.)	
)	
and)	
)	
MEDAREX, INC.,)	
)	
Nominal Defendant.)	
)	

I. CONSOLIDATION

This cause coming on to be heard, the parties being duly notified and the Court being duly advised in the premises, the Court finding that these cases complain of the same transactions, involve the same issues of fact and law, service of the complaints on all defendants having been effectuated, and that consolidation will not prejudice a substantial right of any of the parties,

IT IS HEREBY ORDERED THAT:

1. The captioned cases are hereby consolidated for all purposes, including trial. The Clerk of the Court will maintain a master docket and case file under the style “In re Medarex, Inc. Derivative Litigation,” master file number 06-cv-5523 (FLW), the lowest case number of the captioned actions. All orders, pleadings, motions and other documents, when filed and docketed in the master case, will be deemed filed and docketed in each individual case to the extent applicable.

2. All documents henceforth filed in this consolidated action shall bear the following caption and no other captions or docket numbers:

)
IN RE MEDAREX, INC. DERIVATIVE LITIGATION) No. 06-cv-5523 (FLW)

Documents intended to apply only to a particular case will indicate in their caption the case number of the case and cases to which they apply and an extra copy will be provided to the Clerk to facilitate filing and docketing both in the master case file and the specified individual case files.

II. APPOINTMENT OF LEAD COUNSEL

3. The law firms of Stull, Stull & Brody and Weiss & Lurie are appointed Co-Lead Counsel and the law firm of Kantrowitz, Goldhamer & Graifman is appointed Liaison Counsel.

4. Co-Lead Counsel shall assume and exercise the following powers and responsibilities:

- a. To coordinate the briefing and argument of motions;
- b. To coordinate the conduct of written discovery;
- c. To coordinate the examination of witnesses in depositions;
- d. To coordinate the selection of counsel to act as spokesperson at pretrial conferences;

- e. To call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
- f. To conduct all settlement negotiations with counsel for the defendants;
- g. To coordinate and direct the preparation for trial, and the trial of this matter and to delegate work responsibilities to selected counsel as may be required;
- h. To receive orders, notices, correspondence and telephone calls from the Court on behalf of all plaintiffs; and
- i. To supervise any other matters concerning the prosecution or resolution of the action.

5. With respect to scheduling and/or procedural matters, defendants' counsel may rely upon all agreements with Co-Lead Counsel.

6. No pleadings or other papers shall be filed or discovery conducted by any plaintiff except as directed or undertaken by Co-Lead Counsel.

7. Counsel in any related action shall be bound by this organizational structure of plaintiffs' counsel.

III. NEWLY-FILED OR TRANSFERRED ACTIONS

8. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of this action.

9. When a case that arises out of the same subject matter of the action is hereinafter filed in this Court or transferred from another court, the Clerk of this Court shall:

- a. File a copy of this Order in the separate file for such action;

b. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and

c. Make the appropriate entry in the docket for this action.

10. Each new case that arises out of the subject matter of the action which is filed in this Court or transferred to this Court, shall be consolidated with this action and this Order shall apply thereto. Nothing in the foregoing shall be construed as a waiver of the defendants' right to object to consolidation of any newly-filed or transferred related action.

IV. SERVICE OF PLEADINGS

11. Service by the defendants on plaintiffs of any papers shall be deemed to be complete for all purposes when a copy is served on Co-Lead Counsel and Liaison Counsel

V. THE CONSOLIDATED COMPLAINT

12. Within sixty (60) days of the entry of this Order, plaintiffs will cause to be filed a consolidated complaint (the "Consolidated Complaint").

13. Within sixty (60) days of the filing of the Consolidated Complaint, defendants shall file their answer or any motion to dismiss the Consolidated Complaint.

14. If defendants file a motion to dismiss the Consolidated Complaint, plaintiffs shall file the opposition thereto within thirty (30) days of the service thereof. Defendants shall have fourteen (14) days after service of plaintiffs' opposition to file a reply, if any, in support of the motion to dismiss.

VI. FURTHER PROCEEDINGS

15. Within fifteen (15) days after the Court's ruling on any motion addressed to the complaint, should such motion be denied, or within fifteen (15) days of defendants' answer,

should no such motion be filed, the parties shall submit a proposed Pretrial Order Number Two scheduling further proceedings and containing the provisions customary in this Court's pretrial scheduling orders.

DATED: _____, 2007

SO ORDERED:

HONORABLE TONIANNE J. BONGIOVANNI
UNITED STATES DISTRICT JUDGE